

EEOC Form 161 (11/09)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: **Annie L. Mzyk**
3014 Renker
San Antonio, TX 78217

From: **San Antonio Field Office**
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229

☐

On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR §1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

451-2013-02545**Estella Slaughter, Investigator****(210) 281-7656****THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:**☐

The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.

☐

Your allegations did not involve a disability as defined by the Americans With Disabilities Act.

☐

The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.

☐

Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge

☒

The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.

☐

The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.

☐

Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, the Genetic Information Nondiscrimination Act, or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a claim under state law may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission


 Travis G. Hicks, Director

7/30/14

(Date Mailed)

Enclosures(s)

cc: **NORTH EAST INDEPENDENT SCHOOL DISTRICT**
c/o Melissa Gonzales
Hearing Officer
8961 Tesoro
San Antonio, TX 78217

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), the Genetic Information Nondiscrimination Act (GINA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/08 to 12/1/08, you should file suit **before 7/1/10** -- not 12/1/10 -- in order to recover unpaid wages due for July 2008. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA, GINA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA, GINA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII, the ADA or GINA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

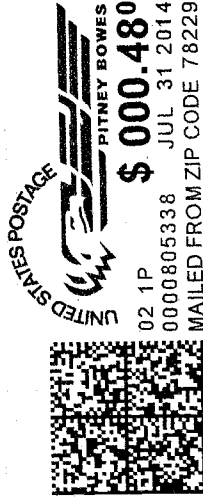
You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

*Received & relayed
August 1, 2014
2:30 PM*

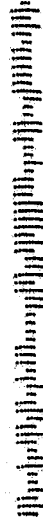
US EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
SAN ANTONIO FIELD OFFICE
5410 FREDERICKSBURG ROAD SUITE 200
SAN ANTONIO, TX 78229-3555

AN EQUAL OPPORTUNITY EMPLOYER



Annie L. Mzyk
3014 Renker
San Antonio, TX 78217

78217393514



CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

451-2013-02545

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mrs. Annie L. Mzyk

Home Phone (Incl. Area Code)

(210) 655-7012

Date of Birth

08-07-1941

Street Address

3014 Renker, San Antonio, TX 78217

City, State and ZIP Code

Named Is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

NORTH EAST INDEPENDENT SCHOOL DISTRICT

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(210) 407-6000

Street Address

8961 Tesoro, San Antonio, TX 78217

City, State and ZIP Code

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest

09-25-2012

07-22-2013

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

Beginning on or about September 25, 2012, and continuing, I have requested and been denied reasonable accommodations for my disabilities; relief from covering the reception desk, voice mail be directed to another coworker, be allowed to come in early and/or stay late to make up time for my doctors' appointments and been denied overtime and/or accrual time.

I believe I have been discriminated and retaliated against because of my age, in violation of the Age Discrimination in Employment Act of 1967, as amended, and in violation of the Americans with Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

7/22/13

Date

Annie L. Mzyk

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

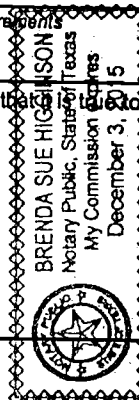
Annie L. Mzyk

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE

(month, day, year)

8/10/2013

Brenda Sue Higgs



EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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☐ FEPA
☒ EEOC
451-2013-02545**Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

Name (Indicate Mr., Ms., Mrs.)

Mrs. Annie L. Mzyk

Home Phone (Incl. Area Code)

(210) 655-7012

Date of Birth

09-07-1941

Street Address

City, State and ZIP Code

3014 Renker, San Antonio, TX 78217

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

NORTH EAST INDEPENDENT SCHOOL DISTRICT

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(210) 407-0000

Street Address

City, State and ZIP Code

8961 Tesoro, San Antonio, TX 78217

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

☐ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☒ RETALIATION ☒ AGE ☒ DISABILITY ☐ GENETIC INFORMATION
☐ OTHER (Specify)
DATE(S) DISCRIMINATION TOOK PLACE
Earliest Latest**09-25-2012****07-22-2013**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

AMENDED CHARGE:

I wish to amend my charge of discrimination to reflect additional discrimination in the form of retaliation for having filed my original charge of discrimination. I have been denied make up time for my medical appointments/treatments. I was told could only work between 8:00 A.M. to 4:45 P.M. In contrast my similarly situated co-workers are allowed to make up time and or not similarly disabled. I believe my employer is attempting to deny me leave without pay because I have no leave left except for FMLA pay. Once I run out of FMLA leave, I no longer have job protection. Additionally co-workers are ignoring incoming phone calls therefore; I have to retrieve the messages. I was assigned clerical type duties that were the responsibility of other co-workers i.e., in other words they are attempting to overload me with work. My doctor even sent a letter dated February 11, 2011 to my employer indicating I should not be subjected to any undue stress which aggravates my disability.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

Annie L. Mzyk

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year) 01-03-2014

ROWLAND C. ESTRADA JR.

Notary Public, State of Texas

My Commission expires
February 24, 2014**Jan 03, 2014**

Date

Annie L. Mzyk
Charging Party Signature

EEOC Form 5 (11/09)

CHARGE OF DISCRIMINATION

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Charge Presented To: Agency(ies) Charge No(s):



FEPA



EEOC

451-2013-02545**Texas Workforce Commission Civil Rights Division**

and EEOC

State or local Agency, if any

I believe I have been retaliated against for having filed my original charge of discrimination, Charge # 451-2013-02545 in violation of the Americans with Disabilities Act of 1990 and the Age Discrimination in Employment Act of 1967, as amended

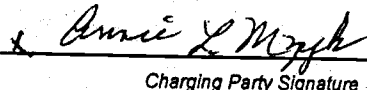
2014 JAN 3 PM 3 25

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Jan 03, 2014

Date

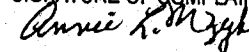


Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

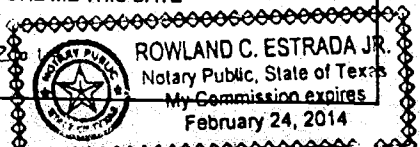
I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT




SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

01 - 03 - 2014



EEOC Form 5 (11/09)

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Charge Presented To:

Agency(ies) Charge No(s):

☐ FEPA
☒ EEOC

Amended

451-2013-02545

Texas Workforce Commission Civil Rights Division

and EEOC

State or local Agency, if any

Amended Charge

I was given a poor evaluation on June 6, 2014 by my supervisor, Becky Gossen. I do not agree with the contents of the justification for the poor evaluation.

I feel I have been retaliated against for opposing discrimination, in violation of the Age Discrimination Employment Act of 1967, as amended and Title I, The Americans With Disabilities Act of 1990, as amended.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Jun 20, 2014

Date

Annie L. Mzyk

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

Annie L. Mzyk

I swear or affirm that I have read the above charge, and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

NOTARY PUBLIC
 Notary Public, State of Texas
 My Commission expires
 February 5, 2017

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
 (month, day, year)

July 2, 2014
 Cliff Shaffer